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16 Attorneys for United States of America

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 OAKLAND DIVISION

20 UNITED STATES OF AMERICA, ) Case No. 23-CR-00269 JSW  
21 Plaintiff, )  
22 v. )  
23 (3) DEVON CHRISTOPHER WENGER, )  
24 Defendant. )  
25 \_\_\_\_\_)

26 The parties respectfully submit this joint status report pursuant to the Court's Order Setting  
27 Status Conference (Dkt. No. 443).

28 This Court previously entered an order granting defendant Devon Christopher Wenger's motion  
1 for a mistrial on March 5, 2025. Dkt. No. 350. On March 18, 2025, defendant Wenger (through prior  
2 counsel) advised the government that he intended to invoke his right to a speedy trial, and on March 24,  
3 2025, opposed the government's request to exclude time under the Speedy Trial Act between March 5,  
4 2025 and March 25, 2025. Dkt. Nos. 402, 410. On March 25, 2025, the Court scheduled Wenger's re-

1 trial for July 21, 2025, advising the parties that any request to continue the trial date beyond September  
 2 2025 would be disfavored. Dkt. No. 421.

3 On April 2, 2025, this Court granted attorney Michael Schwartz's motion to appear as counsel of  
 4 record for Wenger, and ordered the parties to meet and confer regarding a proposed date for Wenger's  
 5 re-trial. Dkt. Nos. 430, 431. Attorney Schwartz informed the government that his proposed co-counsel,  
 6 Kasey Castillo, was unavailable to begin trial on July 21, 2025. Attorney Schwartz then proposed  
 7 alternative trial dates (beginning August 4, beginning August 25, beginning September 2, or beginning  
 8 August 18), but these dates were not workable with the Court's existing schedule as the Court had  
 9 another criminal trial scheduled the week of August 11 (with jury selection on August 6) and the Court  
 10 was unavailable the week of August 25 through the week of September 1.

11 The parties therefore filed a stipulation that Wenger's current trial date be continued one week to  
 12 July 28, 2025, with the pretrial conference continued to June 30, 2025 and jury selection scheduled for  
 13 July 23, 2025, if those dates were available for the Court. Dkt. No. 434. On April 11, 2025, attorney  
 14 Kasey Castillo made a notice of appearance for Wenger. Dkt. No. 436.

15 Current counsel for Wenger has received discovery from prior counsel for Wenger and will file  
 16 notices acknowledging the protective order in effect in this case (Dkt. No. 42) and their agreement to be  
 17 bound by it.

18 DATED: April 27, 2025

Respectfully submitted,

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 20 PATRICK D. ROBBINS  
 Acting United States Attorney

21  
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 23  
 24 /s/  
 ERIC CHENG  
 ALETHEA SARGENT  
 AJAY KRISHNAMURTHY  
 Assistant United States Attorneys

25 DATED: April 27, 2025

Respectfully submitted,

26  
 27  
 28 /s/  
 MICHAEL SCHWARTZ  
 KASEY CASTILLO  
 Attorneys for Defendant  
 DEVON CHRISTOPHER WENGER